

AGENDA ITEM NO. 1A

COUNCIL MEETING 4/19/12


APPROVED BY _____


DEPARTMENT DIRECTOR

CITY MANAGER 

April 5, 2012

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division 

- SUBJECT:**
1. AFFIRM THE COUNCIL'S NOVEMBER 3, 2011 UPHOLDING OF THE HISTORIC PRESERVATION COMMISSION'S JUNE 27, 2011 APPROVAL OF THE ENVIRONMENT FINDINGS AND DETERMINATION OF THE MITIGATED NEGATIVE DECLARATION DATED JUNE 6, 2011, WHICH WAS PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. C-11-014/T-5994 FOR CONDITIONAL USE PERMIT NO. C-11-014 AND VESTING TENTATIVE MAP NO. 5994
 2. ADOPT A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF SAN JOAQUIN STREET NORTHEASTERLY OF "L" STREET AND A PORTION OF "L" STREET NORTHWESTERLY OF SAN JOAQUIN STREET (LOCATED IN COUNCIL DISTRICT NO. 3)

RECOMMENDATIONS

Staff recommends that the City Council:

Presented to City Council

Date 4/5/12

Disposition

Continued to 4/19/12
per staff.

1. Affirm the Council's November 3, 2011 upholding of the Historic Preservation Commission's June 27, 2011 approval of the environment findings and determination of the Mitigated Negative Declaration dated June 6, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994.
2. Adopt the attached resolution ordering the summary vacation of a portion of San Joaquin Street northeasterly of "L" Street and a portion of "L" Street northwesterly of San Joaquin Street.

EXECUTIVE SUMMARY

Granville Homes is requesting the vacation of a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street as shown on Exhibit "B" of the attached resolution. The purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014. The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

REPORT TO THE CITY COUNCIL

Summary Vacation of Portions of "L" and San Joaquin Streets

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BACKGROUND

Granville Homes is requesting the vacation of a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street as shown on Exhibit "B" of the attached resolution. Along the northwesterly side of San Joaquin Street the existing distance between the existing curb and the street right-of-way line is now 14 feet. The existing curb is to remain on San Joaquin Street so the proposed vacation would result in a distance of 10 feet between the existing curb and the proposed street right-of-way line. Along the northeasterly side of "L" street the existing curb, gutter and sidewalk are being removed and replaced such that it would result in a distance of 10 feet between the new curb and the proposed street right-of-way line. Therefore the existing curb to curb width of "L" Street will be reduced by 5 feet. The purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014. The development proposed for CUP No. C-11-014 is to construct 28 two-story town home units in 14 multiple dwelling structures located on approximately 1.29 acres.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way, is not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The applicant's proposed plans for development would require modification if the vacation is denied.

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

The City Attorney's Office has reviewed and approved the attached resolution as to form.

ENVIRONMENTAL FINDING

This vacation is included in the project description for a project that was previously environmentally assessed pursuant to CEQA. The Conditional Use Permit Application No. C-11-014 project, including the vacation of portions of adjacent public street rights-of-way, was included in the project description and environmentally assessed through an initial study resulting in a Mitigated Negative Declaration. On June 27, 2011, the Historic Preservation Commission approved the environment findings and determination of the Mitigated Negative Declaration dated June 6, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994. On November 3, 2011 Council upheld the June 27, 2011 Historic Preservation Commission's approval. Since the vacation was included in the project description, it may be determined that: 1) the vacation falls within the scope of Environmental Assessment No. C-11-014/T-5994; 2) no substantial changes are proposed in the project which require significant revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 3) no substantial changes will occur with respect to the circumstances under which the project is undertaken; and 4) no new information, which was not known and could not have been

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Summary Vacation of Portions of "L" and San Joaquin Streets

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known, at the time the environmental finding for Environmental Assessment No. C-11-023/T-5993 was adopted, has become available. Therefore, Staff has determined that it is appropriate for Council to affirm the Council's November 3, 2011 upholding of the Historic Preservation Commission's June 27, 2011 approval of the environment findings and determination of the Mitigated Negative Declaration dated June 6, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994

FISCAL IMPACT

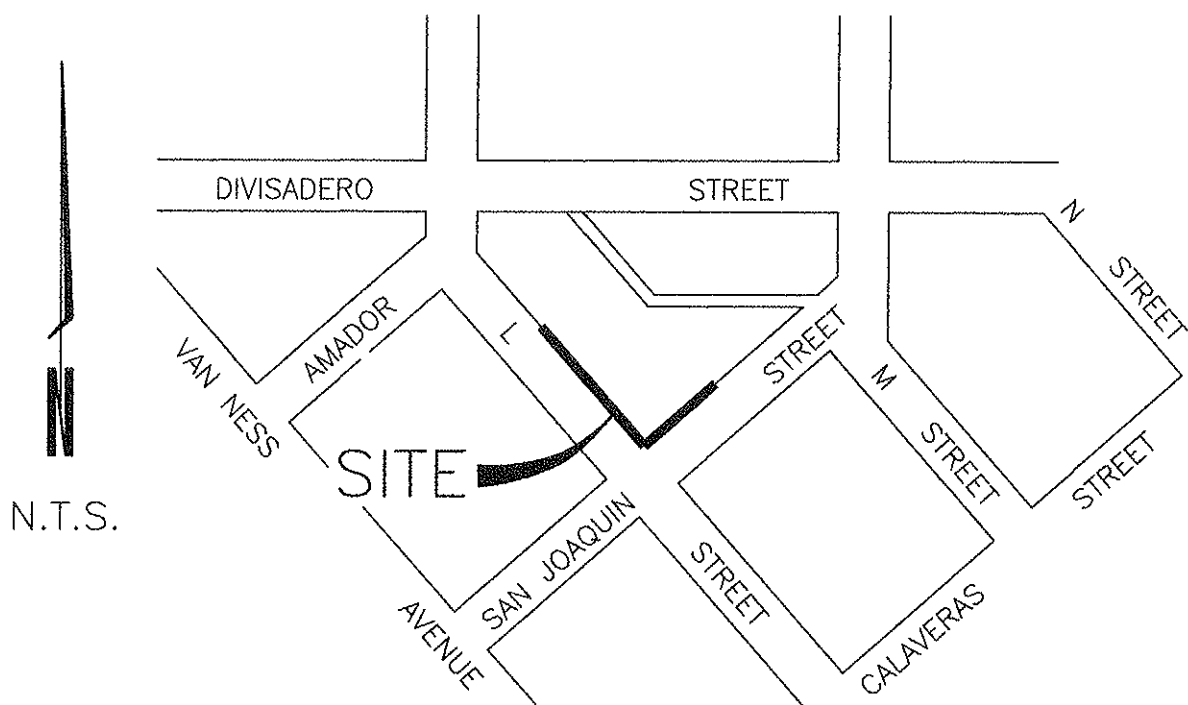
There will be no impact to the City's General Fund.

Attachments: 1. Vicinity Map
 2. Notice of determination for Environmental Assessment No. C-11-014/T-5994
 3. Resolution

P.W. File No. 11573

ATTACHMENT 1

VICINITY MAP



PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

NOTICE OF DETERMINATION

E2011/0000144

DATE RECEIVED FOR FILING:

TO: ___ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: CITY OF FRESNO
Development & Resource Management Dept.
2600 Fresno St., Rm 3076
Fresno, CA 93721-3604

FILED

JUN 30 2011

X County Clerk
County of Fresno
2221 Kern Street
Fresno, CA 93721

FRESNO COUNTY CLERK
By *[Signature]*
DEPUTY

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

PROJECT TITLE: City of Fresno Environmental Assessment No. C-11-014/T-5994

for

Conditional Use Permit Application No. C-11-014
Vesting Tentative Tract Map No. 5994
Granville Homes "L" Street Project
Fresno, California

State Clearinghouse Number
(If subject to Clearinghouse)

N/A

Lead Agency Contact Person

City of Fresno
Development and Resource Management Department
Will Tackett, Planner

Area Code/Telephone

559-621-8063

PROJECT LOCATION:

Conditional Use Permit Application No. C-11-014 and Vesting Tentative Tract Map No. 5994 pertain(s) to approximately 1.29 net acres of land located at 1702 "L" Street (APN[s]: 466-103-04, 09, 10, 12 & 29). The subject property is generally located on the northerly corner of the intersection of "L" and San Joaquin Streets in the City and the County of Fresno. The project site is further located in Section 4, Township 14 South, Range 20 East, Mount Diablo Base & Meridian and at Latitude: 36°44'34.00" N; Longitude 119°47'45.00" W.

PROJECT DESCRIPTION:

FFDA Properties, LLC, (Granville Homes) has filed Conditional Use Permit Application No. C-11-014, and Vesting Tentative Tract Map No. 5994 pertaining to approximately 1.29 net acres of property located on the northerly corner of the intersection of "L" and San Joaquin Streets.

Conditional Use Permit Application No. C-11-014 and Vesting Tentative Tract Map No. T-5994 propose to develop and subdivide subject property and constructing 28 two-story town home units, consisting of 14 multiple dwelling (duplex) structures within a gated private street, planned development with modified property development standards at an overall density of approximately 21.71 dwelling units per acre. An additional "Outlot" is proposed to be dedicated for private street, parking, utilities, drainage, open space, landscaping, and general common area purposes.

Portions of the existing public street rights-of-way adjacent to the subject property are proposed to be vacated in order to facilitate the proposed project. These vacations include nine feet of the existing "L" Street right-of-way width and five feet of the existing San Joaquin Street right-of-way width.

Completion of the proposed project will entail demolition of two existing residential structures on the subject property.

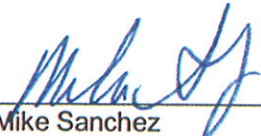
The proposed project will also involve installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications, and policies of the City of Fresno.

E2011/0000144

This is to advise and certify that the Historic Preservation Commission of the City of Fresno, the Lead Agency, approved a demolition permit for the above-described project on June 27, 2011 and has made the following determinations regarding this project:

1. The project (☐ will ☒ will not) have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
☐ A determination of project conformity to the 2025 Fresno General Plan Master Environmental Impact Report (City of Fresno MEIR No. 10130 / SCH No. 2001071097) was made.
3. Mitigation measures (☒ were ☐ were not) made a condition of the approval of the project.
4. A statement of Overriding Considerations (☐ was ☒ was not) adopted for this project.
5. Findings (☐ were ☒ were not) made pursuant to the provisions of CEQA.

The above-described environmental assessment, with its finding of a Mitigated Negative Declaration, together with the full initial study, comments and responses and record of project approval, is available to the general public at the City of Fresno Development and Resource Management Department, 2600 Fresno Street, Room 3076, Fresno, California 93721-3604.



Mike Sanchez
Planning Manager, City of Fresno

6/30/11

Date

Attachments: Project Vicinity Map



Michael Brandman Associates

40480001 • 05/2011 | 2 Local Vicinity Map.mxd



Local Vicinity Map

GRANVILLE HOMES • L STREET PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF
SAN JOAQUIN STREET NORTHEASTERLY OF "L" STREET AND A PORTION OF "L"
STREET NORTHWESTERLY OF SAN JOAQUIN STREET

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street; and

WHEREAS, the portions of the public street easement proposed to be vacated are described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed

for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way, is not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, this vacation is included in the project description for a project that was previously environmentally assessed pursuant to CEQA. The Conditional Use Permit Application No. C-11-014 project, including the vacation of portions of adjacent public street rights-of-way, was included in the project description and environmentally assessed through an initial study resulting in a Mitigated Negative Declaration; and

WHEREAS, on June 27, 2011, the Historic Preservation Commission approved the environment findings and determination of the Mitigated Negative Declaration dated June 06, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994; and

WHEREAS, on November 3, 2011 Council upheld the June 27, 2011 Historic Preservation Commission's approval; and

WHEREAS, it is appropriate for Council to affirm the Council's November 3, 2011 upholding of the Historic Preservation Commission's June 27, 2011 approval of the environment findings and determination of the Mitigated Negative Declaration dated June 06, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994; and

WHEREAS, the Council desires to summarily vacate a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street as described in Exhibit "A" and shown on Exhibit "B".

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. Based upon the review and consideration of the environmental documentation provided, the adoption of the proposed vacation is in the best interest of the City of Fresno. The Conditional Use Permit Application No. C-11-014 project, including the vacation of portions of adjacent public street rights-of-way, was environmentally assessed through an initial study resulting in Mitigated Negative Declaration dated June 06, 2011, which was prepared for Environmental Assessment No. C-11-014/T-5994 for Conditional Use Permit No. C-11-014 and Vesting Tentative Map No. 5994 and approved by Historic Preservation Commission on June 27, 2011. The Council finds that: 1) the vacation falls within the scope of Environmental Assessment No. C-11-014/T-5994; 2) no substantial changes are proposed in the project which require significant revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 3) no substantial changes will occur with respect to the circumstances under which the project is undertaken; and 4) no new information, which was not known and could not have been known, at the time the environmental finding for Environmental Assessment No. C-11-023/T-5993 was approved, has become available.

2. The portions of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and along the northeasterly side of "L" Street

northwesterly of San Joaquin Street as described in Exhibit "A" and shown on Exhibit "B" are hereby vacated.

3. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

4. This vacation shall become effective on the date this resolution is recorded.

5. From and after the date this resolution is recorded, the portions of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and along the northeasterly side of "L" Street northwesterly of San Joaquin Street as described in Exhibit "A" and shown on Exhibit "B" shall no longer constitute a public street easement.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2012.

AYES:
NOES:
ABSTAIN:
ABSENT:

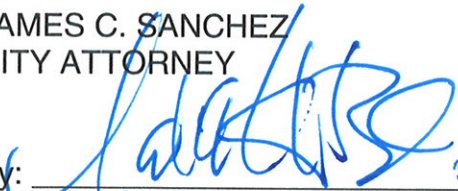
Mayor Approval: _____, 2012
Mayor Approval/No Return: _____, 2012
Mayor Veto: _____, 2012
Council Override Vote: _____, 2012

YVONNE SPENCE, CMC
City Clerk

BY: _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By:  3/14/12
Travis Koller, Deputy
BAREBIDE

PW File No. 11573

Adopt FOC and Summary Vac. of portions of "L" & San Joaquin Streets.

EXHIBIT "A"

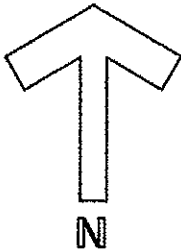
LEGAL DESCRIPTION
STREET AREA TO BE VACATED

That portion of San Joaquin and L Streets lying adjacent to Block 341 of the Map of the Re-subdivision of Blocks 4, 9 and 11 of Central Addition and Block 341 of the City of Fresno, recorded in Volume 4 of Plats at Page 76, Fresno County Records, described as follows:

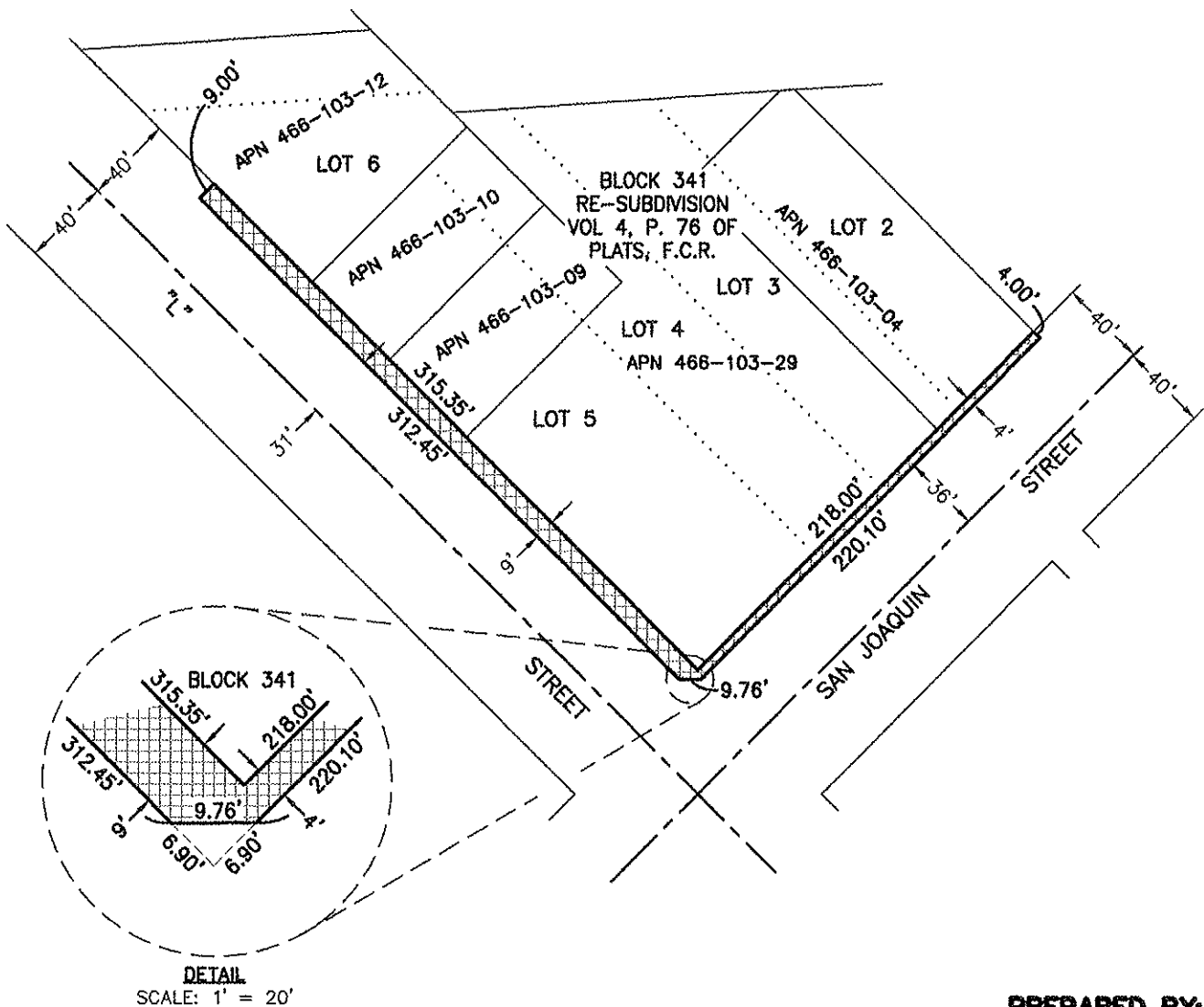
BEGINNING at the most Easterly corner of Lot 2 of said Block 341; thence Southwesterly along the Southeasterly line of said Block 341, said Southeasterly line also being the Northwesterly line of said San Joaquin Street, a distance of 218.00 feet, more or less, to the most Southerly corner of said Block 341; thence Northwesterly along the Southwesterly line of said Block 341, said Southwesterly line also being the Northeasterly line of said L Street, a distance of 315.35 feet; thence Southwesterly, perpendicular to said Southwesterly line of Block 341, a distance of 9.00 feet; thence Southeasterly, parallel with and 9.00 feet Southwesterly of said Southwesterly line of Block 341, a distance of 312.45 feet, more or less, to a point that lies 6.90 feet Northwesterly from the intersection of said line parallel with and 9.00 feet Southwesterly of said Southwesterly line of Block 341, and a line parallel with and 4.00 feet Southeasterly of said Southeasterly line of Block 341; thence Easterly, a distance of 9.76 feet, more or less, to a point on said line parallel with and 4.00 feet Southeasterly of said Southeasterly line of Block 341, that lies 6.90 feet Northeasterly from said intersection; thence Northeasterly, along last said parallel line, a distance of 220.10 feet, more or less, to the intersection with the Southeasterly prolongation of the Northeasterly line of said Lot 2; thence Northwesterly, along said Southeasterly prolongation, a distance of 4.00 feet to the Point of Beginning.



EXHIBIT "B"



SCALE: 1" = 80'



INDICATES AREA TO BE VACATED

PREPARED BY:

GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

2/13/12

REF. & REV.
ACC'T NO.
FILE NO.
C-11-014
TT-5994

CITY OF FRESNO

A PORTION OF THE TOWN (NOW CITY) OF FRESNO

PROJ. ID. _____
FUND NO. _____
ORG. NO. _____

DR. BY: B. GIANNETTA
CH BY: _____
DATE: _____
SCALE: AS NOTED

SHEET NO. 1
OF 1 SHEET
15-A-